

Karnes County, Texas, permission to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 4, Providing for a Joint Legislative Inaugural Committee.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

March 9, 1939

House Concurrent Resolution No. 4.

THIRTY-SIXTH DAY

(Friday, March 10, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Cauthorn
Allen	Celaya
Allison	Chambers
Alsup	Clark
Anderson	Cleveland
Bailey	Cockrell
Baker	Coleman
of Fort Bend	Colquitt
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Blankenship	Corry
Bond	Crossley
Boyd	Daniel
Boyer	Davis of Jasper
Bradbury	Davis of Upshur
Bradford	Dean
Bray	Derden
Bridgers	Dickison
Broadfoot	Dickson
Brown of Cherokee	Donaghey
Brown	Dowell
of Nacogdoches	Dwyer
Bundy	Faulkner

Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Fuchs	Nicholson
Galbreath	Oliver
Gilmer	Olsen
Goodman	Pace
Gordon, Mrs.	Petsch
Hale	Pevehouse
Hamilton	Piner
Hankamer	Pope
Hardeman	Ragsdale
Hardin	Reader of Bexar
Harp	Reader of Erath
Harper	Reaves
Harrell of Bastrop	Reed
Harrell of Lamar	Rhodes
Harris	Riviere
Hartzog	Roach
Heflin	Roberts
Howard	Robinson
Howington	Russell
Hull	Schuenemann
Hunt	Shell
Isaacks	Skiles
Johnson of Ellis	Smith of Frio
Johnson of Tarrant	Smith of Hopkins
Keith	Smith
Kennedy	of Matagorda
Kern	Spencer
Kerr	Stinson
Kersey	Stoll
Kinard	Talbert
King	Tarwater
Langdon	Taylor
Lehman	Tennant
Leonard	Thornberry
Leyendecker	Thornton
Little	Turner
Lock	Vale
Loggins	Vint
London	Voigt
Mays	Waggoner
McAlister	Weldon
McDaniel	Wells
McDonald	Westbrook
McFarland	White
McMurry	Winfree
McNamara	Wood
Mohrmann	Worley
Monkhouse	Wright

Absent—Excused

Burkett	Seagrist
Burney	Wilson
Holland	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we thank Thee for bringing us to another day

with its blessings and privileges. We have no merit of our own to claim Thy presence and guidance; but as Thou dost behold our needs we pray that in Thy mercy and grace we may walk in Thy favor and blessing today. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Wilson for today, on motion of Mr. McNamara.

Mr. Burkett for today, on motion of Mr. King.

Mr. Segrist for today, on motion of Mr. Stinson.

Mr. Burney for today, on motion of Mr. Cockrell.

Mr. Isaacks for balance of the day today, on motion of Mr. Bridgers.

The following Member was granted leave of absence on account of illness:

Mr. Holland for today, on motion of Mr. McNamara.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Rhodes:

H. B. No. 848, A bill to be entitled "An Act making it unlawful to take from any of the fresh waters of Robertson County any fish by the use of seine or net, the square meshes of which are less than one and one-half (1½) inches; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Harrell of Lamar:

H. B. No. 849, A bill to be entitled "An Act providing that the Commissioners Court of certain counties may designate the county auditor to act as purchasing agent, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Brown of Cherokee asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 847.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Brown of Cherokee:

H. B. No. 847, A bill to be entitled "An Act to amend Article 793 of the Code of Criminal Procedure of the Revised Statutes of Texas, as amended by Acts of the Fortieth Legislature, First Called Session, page 194, Chapter 68, paragraph 1; providing that when a defendant is convicted of a misdemeanor and his punishment is assessed at a pecuniary fine, if he is unable to pay the fine and costs adjudged against him, he may for such time as will satisfy the judgment be put to work in the workhouse, or on the county farm, or public improvements of the county, or he shall be imprisoned in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against him; rating such labor or imprisonment at One (\$1) Dollar for each day thereof."

Referred to the Committee on Criminal Jurisprudence.

Mr. Tennant asked unanimous consent to introduce, at this time, and have placed on first reading, House Bills Nos. 850 and 851.

There was no objection offered.

The Speaker then laid the bills before the House, they were read first time, and referred to the appropriate committees, as follows:

By Tennant:

H. B. No. 850, A bill to be entitled "An Act to authorize the citizens of Gregg County to adopt a County Home Rule Charter, to specify the requirements for adoption of such charter, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Tennant:

H. B. No. 851, A bill to be entitled "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-

fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, so as to provide for the termination of the Act on September 1, 1941; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties or forfeitures, civil or criminal incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted, and declaring an emergency."

Referred to the Committee on Oil, Gas and Mining.

Mr. Allison asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 852.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Allison:

H. B. No. 852, A bill to be entitled "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; providing for a permanent fund and the expenditures of the income from same prescribing the mode and manner of said oil, gas, sulphur and other mineral leases on said land; appropriating certain moneys received between the effective date of the Act and August 31, 1939, to the use of the Texas Technological College, its branches and divisions, authorizing necessary subdivision; procuring of abstracts, and advertisement with respect to sale of said leases; providing penalty for delay in drilling; fixing certain regulations with regard to leasing; providing drilling operations shall not interfere with the operation of the Texas Technological College as a college and/or farm; providing for

the filing of leases and records in the State Land Office; providing for extension of leases; providing for assignment of leases and relinquishment to the State; providing the time and manner of payment of royalties; providing for reports to the Board of Directors; providing for forfeiture of lease; authorizing a majority of the Board to act; making an appropriation to defray the expenses of said Board; providing if any part of the Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

RELATIVE TO HOUSE BILL NO. 622

On motion of Mr. Anderson, by unanimous consent of the House, the caption of House Bill No. 622 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO HOUSE BILL NO. 57

On motion of Mr. Pope, by unanimous consent of the House, the caption of House Bill No. 57 was ordered amended to conform to all changes and with the body of the bill.

MOTION TO RE-REFER HOUSE BILL NO. 786

Mr. Reader of Erath moved that House Bill No. 786 be withdrawn from the Committee on Judiciary and referred to the Committee on Appropriations.

Mr. Baker of Fort Bend moved to table the motion by Mr. Reader of Erath.

The motion to table prevailed.

RELATIVE TO HOUSE BILL NO. 5

By unanimous consent of the House, Mr. Smith of Frio, offered the following amendment to House Bill No. 5:

Amend House Bill No. 5, by striking out the words "maximum is", in Section 3, line 1, and inserting in lieu thereof, "minimum and maximum are."

The amendment was adopted.

PROVIDING FOR DELEGATE TO
THE NATIONAL CONFERENCE
ON INTERSTATE TRADE
BARRIERS

Mr. Hartzog offered the following resolution:

H. S. R. No. 164, Providing for delegate to the National Conference on Interstate Trade Barriers.

Whereas, Question of trade barriers between different States has been a question of constant dissatisfaction, and in many instances has led to the loss of markets so badly needed by our people; and

Whereas, The only way these matters may be successfully solved is by representatives of the several States meeting together and discussing some practical solution and arriving at some course of action that will lead to goodwill between all of the States; and

Whereas, There will meet in Chicago, April 5, 6, 7, 1939, the National Conference on Interstate Trade Barriers, which seeks to solve this vexing and perplexing problem; and

Whereas, Because Texas is primarily an agricultural and producer State, and is now attempting to industrialize causes a condition that makes question of trade barriers of unusual importance to our State; now, therefore, be it

Resolved by the House of Representatives, That the Speaker be authorized to appoint one Member of the House of Representatives to attend the National Conference on Interstate Trade Barriers at Chicago, April 5, 6, 7, 1939, and that the actual expenses of said Member be paid from the Contingent Expense Fund of this House upon sworn statements of said expenses by said Members being filed with the Chairman of the Contingent Expense Committee of the House.

HARTZOG,
VOIGT.

The resolution was read second time, and was adopted.

RECALLING SENATE BILL NO.
213 FROM THE SENATE

Mr. Nicholson offered the following resolution:

H. C. R. No. 57, Recalling Senate Bill No. 213 from the Senate.

Whereas, Senate Bill No. 213 failed of passage on third reading in the House by a small vote; and

Whereas, The House of Representatives desires to give further consideration to the measure and save the pelicans; and

Whereas, Said bill is now in the hands of the Senate; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That Senate Bill No. 213 be returned to the House for the purpose of being further considered.

NICHOLSON,
KINARD,
RIVIERE.

The resolution was read second time, and was adopted.

CONCERNING CERTAIN PAINT-
ING OF CAPITOL DOME

Mr. Goodman offered the following resolution:

H. S. R. No. 165, Concerning certain painting of Capitol Dome.

Whereas, The decorations on the Capitol Dome are entirely out of harmony with the natural color of the red granite of which this massive pile is constructed; and

Whereas, It is not only a sore spot and repulsive to the eye of the visitor who comes to the Capitol City of the great Lone Star State but also is not in harmony with the general scheme of things about the Capitol and other State Buildings, and it is not true to the principles and general plans of development of this City of the Violet Crown; and

Whereas, This is its centennial year when it is attempting to dress up in its Sunday clothes and carry out the vision of the forefathers of the Republic of Texas, who founded this city as the Capital of the Lone Star Empire; therefore, be it

Resolved, That the Board of Control, who has charge of the grounds and buildings of the Capitol, that they take immediate steps to remedy this glaring monstrosity that is so obnoxious to the eye of the visitors and Legislators alike.

GOODMAN,
DERDEN,
WHITE,
CORNETT,
GORDON, MRS.,
DOWELL.

The resolution was read second time. (Mr. Thornton in the Chair.)

Mr. Hardin raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair overruled the point of order.

On motion of Mr. Alsup, the resolution was tabled.

PRESENTATION TO SPEAKER MORSE

Mr. Hardeman offered the following resolution:

H. S. R. No. 166, Presentation to Speaker Morse.

Whereas, Our distinguished Speaker has been seen wearing a ten-gallon hat; and

Whereas, By adopting such head-gear as a part of his dress, Honorable R. Emmett Morse has indicated his preference, wisely, for the dress of the people of the sun-kissed plains of West Texas where each day is a link in the golden chain of pleasure; and

Whereas, By his ability and fairness as the presiding officer of the House of Representatives he has won his spurs; now, therefore, be it

Resolved, That the Speaker be required to complete his West Texas dress by accepting and wearing the spur made and presented by Mr. Chase Holland of Holland Jewelry Company of San Angelo as a token of the high esteem in which he is held by the citizens of this State, and especially by the Members of this House.

HARDEMAN,
HEFLIN.

The resolution was read second time, and was adopted.

In accordance with the above resolution, Mr. Thornton presented Mr. Heflin, who presented Speaker Morse with a gold tie-clasp, having engraved thereon a gavel and spur.

Speaker Morse then addressed the House, expressing appreciation for the gift.

MESSAGE FROM THE SENATE

Austin, Texas, March 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict therewith, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 356 WITH SENATE AMENDMENTS

Mr. Shell called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 356, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than seven thousand, seven hundred (7,700) and not less than seven thousand, six hundred eighty (7,680) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Shell, the House concurred in the Senate amendments by the following vote:

Yeas—128

Allen	Cleveland
Allison	Cockrell
Alsup	Coleman
Anderson	Colquitt
Bailey	Colson, Mrs.
Baker	Cornett
of Fort Bend	Corry
Baker of Grayson	Crossley
Bell	Daniel
Blankenship	Davis of Jasper
Bond	Davis of Upshur
Boyd	Dean
Boyer	Derden
Bradbury	Dickson
Bradford	Dickson
Broadfoot	Donaghey
Brown of Cherokee	Dowell
Brown	Faulkner
of Nacogdoches	Ferguson
Bundy	Fielden
Cauthorn	Fuchs
Chambers	Galbreath
Clark	Goodman

Gordon, Mrs.	Olsen
Hamilton	Pace
Hardeman	Petsch
Hardin	Pevehouse
Harp	Piner
Harper	Pope
Harrell of Bastrop	Ragsdale
Harrell of Lamar	Reader of Bexar
Harris	Reader of Erath
Hartzog	Reaves
Heflin	Reed
Howington	Rhodes
Hull	Riviere
Hunt	Roach
Isaacks	Roberts
Johnson of Ellis	Robinson
Johnson of Tarrant	Russell
Kennedy	Schuenemann
Kern	Shell
Kerr	Skiles
Kersey	Smith of Frio
King	Smith of Hopkins
Langdon	Stinson
Lehman	Stoll
Leonard	Tarwater
Leyendecker	Taylor
Little	Tennant
Lock	Thornberry
Loggins	Thornton
London	Turner
McAlister	Vale
McDaniel	Vint
McFarland	Voigt
McMurry	Waggoner
McNamara	Weldon
Mohrmann	Wells
Monkhouse	Westbrook
Montgomery	White
Morris	Winfree
Newell	Wood
Nicholson	Worley
Oliver	Wright

Absent

Bray	Keith
Bridgers	Kinard
Celaya	Mays
Dwyer	McDonald
Felty	Smith
Gilmer	of Matagorda
Hale	Spencer
Hankamer	Talbert
Howard	

Absent—Excused

Burkett	Segrist
Burney	Wilson
Holland	

(Speaker in the Chair.)

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 341

Mr. Hardeman offered the following resolution:

H. C. R. No. 55, Authorizing certain correction in House Bill No. 341.

Whereas, House Bill No. 341 has passed the House and Senate; and

Whereas, In line 9, page 3, of said House Bill No. 341 the word "may" was inadvertently omitted; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to insert the word "may" between the words "and" and "continue" in line 9, page 3.

The resolution was read second time, and was adopted.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 348

Mr. Hardeman offered the following resolution:

H. C. R. No. 56, Authorizing certain correction in House Bill No. 348.

Be It Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to amend the caption of House Bill No. 348 so as to make it conform to the body of the bill.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Joint Resolution No. 6, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senators Moore, Weinert, Winfield, Pace and Shivers.

Has adopted

S. C. R. No. 19, Admonishing the law enforcement officers of this State to display genuine courtesy to "out-of-State visitors".

H. C. R. No. 57, Recalling Senate

Bill No. 213 from the Senate. (Senate Bill No. 213 herewith returned.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 20 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board, etc., and declaring an emergency."

The bill having heretofore been read second time.

(Pending consideration of House Bill No. 20, Mrs. Colson occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Bell offered the following amendment to the bill:

Amend House Bill No. 20, by striking out the sentence beginning at line 26, page 10, and inserting in lieu thereof, the following:

"The Board shall be located at the Capitol of the State."

The amendment was adopted.

Mr. Wood offered the following amendment to the bill:

Amend House Bill No. 20, page 11, lines 18 and 19, by striking out the following words: "Certified Public Accountant," and insert the following, "State Auditor and Efficiency Expert."

The amendment was adopted.

Mr. Bradbury offered the following amendment to the bill:

Amend House Bill No. 20, by striking out Section 9, and inserting in lieu thereof the following:

"Sec. 9. Where the Supervisor of

any district shall find that a land owner within the district is materially interfering with the prevention or control of erosion of land within the district, the Supervisor may then present to any court of competent jurisdiction, a petition duly verified, setting forth the fact that the defendant is materially interfering with the prevention of control of erosion on other lands within the district, and that such verification of the petition must be made by at least three-fourths of the land owners within said district.

"Upon the presentation of such petition the court shall cause process to be issued against the defendant and shall hear the case.

"The defendant may demand a jury. The court may dismiss the petition, or it may give the defendant the choice of performing the work on his own land that would materially prevent or control erosion on other lands, or the defendant, if he does not choose to do the work, then the court may order the Supervisor to enter upon the lands involved and perform such work, and recover the cost and expenses thereof from the owner of such lands, that such costs and expenses shall never exceed ten per cent (10%) of the rendition of said lands, and provided further that the Supervisor shall not enter upon the land of the owner until after the expiration of ninety (90) days after the court has rendered judgment in the case. No lien shall ever be placed against a homestead under this Act.

"It is further provided that no person shall be placed in jail, in prison, or fined for failure to carry out any provision of this Act."

Mr. Davis of Jasper offered the following amendment to the bill:

"Amend House Bill No. 20, by striking out line 19, page 2 of the printed bill."

Mr. Hardeman moved the previous question on the pending amendments and the engrossment of House Bill No. 20, and the main question was ordered.

(Pending consideration of the amendments, Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Davis of Jasper, it was lost.

Question then recurring on the amendment by Mr. Bradbury, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 20 was then passed to engrossment.

HOUSE BILL NO. 20 ON THIRD READING

Mr. Ragsdale moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Allen	Ferguson
Allison	Fielden
Alsup	Fuchs
Anderson	Galbreath
Bailey	Gilmer
Baker	Goodman
of Fort Bend	Gordon, Mrs.
Baker of Grayson	Hale
Bell	Hamilton
Blankenship	Hankamer
Bond	Hardeman
Boyd	Hardin
Boyer	Harp
Bradbury	Harper
Bradford	Harrell of Bastrop
Bray	Harrell of Lamar
Broadfoot	Harris
Brown of Cherokee	Heflin
Brown	Howington
of Nacogdoches	Hull
Bundy	Hunt
Cauthorn	Johnson of Tarrant
Celaya	Keith
Chambers	Kennedy
Clark	Kern
Cleveland	Kerr
Cockrell	Kersey
Coleman	King
Colquitt	Langdon
Colson, Mrs.	Lehman
Cornett	Leyendecker
Corry	Little
Crossley	Lock
Daniel	Loggins
Derden	London
Dickison	Mays
Dickson	McAlister
Donaghey	McDaniel
Dowell	McDonald
Faulkner	McFarland
Felty	McMurry

McNamara
Mohrmann
Monkhouse
Morris
Newell
Nicholson
Olsen
Pace
Petsch
Pevehouse
Piner
Pope
Ragsdale
Reader of Bexar
Reader of Erath
Reaves
Reed
Rhodes
Riviere
Roach
Roberts
Robinson
Russell
Schuenemann
Skiles

Smith of Frio
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Talbert
Tarwater
Taylor
Tennant
Thornberry
Thornton
Turner
Vale
Vint
Voigt
Waggoner
Weldon
Wells
White
Winfree
Wood
Worley
Wright

Nays—3

Davis of Jasper Westbrook
Davis of Upshur

Absent

Bridgers Kinard
Dean Leonard
Dwyer Montgomery
Hartzog Oliver
Howard Shell
Johnson of Ellis

Absent—Excused

Burkett Isaacks
Burney Segrist
Holland Wilson

The Speaker then laid House Bill No. 20 before the House on third reading and final passage.

The bill was read third time.

Mr. Morris offered the following amendment to the bill:

Amend House Bill No. 20, Section 9, page 25, by adding a new sentence at the end of the word "lands," line 5, the following:

"It is provided, however, that any landowner desiring to be exempt from land use regulations, may do so by written notice to supervisor of his resident district, provided such notice is given within 30 days after adoption of such regulation."

(Mr. Leonard in the Chair.)

The amendment was lost by the following vote:

Yeas—31

Bond	Mays
Bray	McDonald
Bundy	McFarland
Colquitt	Morris
Davis of Jasper	Piner
Davis of Upshur	Pope
Hardin	Rhodes
Harrell of Lamar	Shell
Hartzog	Smith of Hopkins
Howington	Tennant
Hunt	Thornton
Johnson of Ellis	Wells
Kinard	Westbrook
Langdon	White
Lehman	Worley
Leyendecker	

Nays—101

Allen	Galbreath
Allison	Gilmer
Alsup	Hale
Anderson	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Harp
Baker of Grayson	Harper
Bell	Harrell of Bastrop
Blankenship	Harris
Boyd	Heflin
Boyer	Hull
Bradbury	Johnson of Tarrant
Bradford	Keith
Broadfoot	Kennedy
Brown of Cherokee	Kerr
Brown	Kersey
of Nacogdoches	King
Cauthorn	Little
Celaya	Lock
Chambers	Loggins
Clark	London
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McMurry
Cornett	McNamara
Corry	Mohrmann
Crossley	Monkhouse
Daniel	Montgomery
Dean	Newell
Derden	Oliver
Dickison	Olsen
Dickson	Pace
Donaghey	Petsch
Dowell	Pevehouse
Dwyer	Ragsdale
Faulkner	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reaves
Fielden	Reed
Fuchs	Riviere

Roach	Tarwater
Roberts	Taylor
Robinson	Thornberry
Russell	Turner
Schuenemann	Vale
Skiles	Vint
Smith	Voigt
of Matagorda	Waggoner
Spencer	Weldon
Stinson	Winfree
Stoll	Wright

Absent

Bridgers	Kern
Colson, Mrs.	Nicholson
Goodman	Smith of Frio
Gordon, Mrs.	Talbert
Howard	Wood

Absent—Excused

Burkett	Isaacks
Burney	Segrist
Holland	Wilson

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 20, page 23, by striking out the period at the end of line 5, substituting a semi-colon, and adding the following:

“provided, however, that such suspension or repeal may be effected by a majority vote of the qualified voters voting at such election.”

The amendment was adopted by the following vote:

Yeas—133

Allen	Chambers
Allison	Clark
Alsup	Cleveland
Anderson	Cockrell
Bailey	Coleman
Baker	Colquitt
of Fort Bend	Colson, Mrs.
Baker of Grayson	Cornett
Bell	Crossley
Blankenship	Daniel
Bond	Davis of Jasper
Boyd	Davis of Upshur
Boyer	Dean
Bradbury	Derden
Bradford	Dickison
Bray	Dickson
Bridgers	Donaghey
Broadfoot	Dowell
Brown of Cherokee	Dwyer
Brown	Faulkner
of Nacogdoches	Ferguson
Bundy	Fielden
Cauthorn	Fuchs
Celaya	Galbreath

Gilmer	Olsen
Goodman	Pace
Gordon, Mrs.	Petsch
Hale	Pevehouse
Hamilton	Piner
Hankamer	Pope
Hardeman	Ragsdale
Hardin	Reader of Bexar
Harp	Reader of Erath
Harper	Reaves
Harrell of Bastrop	Reed
Harrell of Lamar	Riviere
Harris	Roach
Heflin	Roberts
Howington	Robinson
Hunt	Russell
Johnson of Tarrant	Schuenemann
Keith	Shell
Kennedy	Skiles
Kern	Smith of Frio
Kerr	Smith of Hopkins
Kersey	Smith
Kinard	of Matagorda
King	Spencer
Langdon	Stinson
Lehman	Stoll
Leyendecker	Talbert
Little	Tarwater
Lock	Taylor
Loggins	Tennant
London	Thornberry
McAlister	Turner
McDaniel	Vale
McDonald	Vint
McFarland	Voigt
McMurry	Waggoner
McNamara	Weldon
Mohrman	Wells
Monkhouse	Westbrook
Montgomery	White
Morris	Winfree
Newell	Wood
Nicholson	Worley
Oliver	Wright

Absent

Corry	Johnson of Ellis
Felty	Mays
Hartzog	Rhodes
Howard	Thornton
Hull	

Absent—Excused

Burkett	Isaacks
Burney	Segrist
Holland	Wilson

(Speaker in the Chair.)

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 20, page 10, by striking out the period at the end of line 16, substituting a comma, and

adding the following: "which bonds shall be executed by some solvent company authorized to transact a surety business in this State."

The amendment was unanimously adopted.

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 20, page 11, lines 8-11, by striking out the first sentence of paragraph H and substituting therefor the following:

"H. The State Treasurer shall have the care and custody of all funds and securities of the State Board and shall be liable on his official bond for the lawful care, custody, application and disbursement thereof."

The amendment was unanimously adopted.

Mr. Hartzog offered the following amendment to the bill:

Amend House Bill No. 20, by adding at the end of Section "C," on page 13, the following:

"Provided further that each voter shall sign his ballot and accurately list the number of acres of land owned by him within said district, as reflected by the deed records, and no such election shall be declared to have received a majority vote unless it shall also affirmatively appear that the required majority therein voting shall also own at least fifty-one (51) per cent of the land contained therein, as represented by the voters, voting in said election."

Also add the same at the end of Section "H," on page 17.

Also insert the same on page 22, after the word "vote," on line 20.

Mr. Hardeman moved the previous question on the pending amendment and the final passage of House Bill No. 20, and the main question was ordered.

Question recurring on the amendment by Mr. Hartzog, it was lost by the following vote:

Yeas—33

Bond	Harris
Bradford	Hartzog
Cauthorn	Howington
Davis of Jasper	Johnson of Ellis
Derden	Kerr
Felty	Langdon
Gilmer	Mays
Goodman	McAlister
Hardin	McDonald

McNamara	Smith
Newell	of Matagorda
Nicholson	Talbert
Rhodes	Tennant
Schuenemann	Thornton
Shell	Turner
Skiles	Vale
Smith of Frio	Voigt

Nays—96

Allen	Kern
Allison	Kersey
Alsup	Kinard
Anderson	King
Bailey	Lehman
Baker of Grayson	Leyendecker
Bell	Little
Blankenship	Lock
Boyd	Loggins
Boyer	London
Bradbury	McDaniel
Bray	McFarland
Broadfoot	McMurry
Brown of Cherokee	Mohrmann
Bundy	Monkhouse
Chambers	Montgomery
Clark	Morris
Cleveland	Oliver
Cockrell	Olsen
Coleman	Pace
Cornett	Petsch
Corry	Pevehouse
Crossley	Ragsdale
Daniel	Reader of Bexar
Dickison	Reader of Erath
Dickson	Reaves
Donaghey	Reed
Dowell	Riviere
Dwyer	Roach
Faulkner	Roberts
Ferguson	Robinson
Fielden	Russell
Fuchs	Smith of Hopkins
Galbreath	Spencer
Gordon, Mrs.	Stinson
Hale	Stoll
Hamilton	Tarwater
Hankamer	Taylor
Hardeman	Thornberry
Harp	Vint
Harper	Waggoner
Harrell of Bastrop	Weldon
Heflin	Wells
Hull	White
Hunt	Winfree
Johnson of Tarrant	Wood
Keith	Worley
Kennedy	Wright

Absent

Baker	Brown
of Fort Bend	of Nacogdoches
Bridgers	Celaya

Colquitt	Howard
Colson, Mrs.	Leonard
Davis of Upshur	Piner
Dean	Pope
Harrell of Lamar	Westbrook

Absent—Excused

Burkett	Isaacks
Burney	Segrist
Holland	Wilson

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 20 was then passed by the following vote:

Yeas—134

Allen	Ferguson
Allison	Fielden
Alsup	Fuchs
Anderson	Galbreath
Bailey	Gilmer
Baker	Goodman
of Fort Bend	Gordon, Mrs.
Baker of Grayson	Hale
Bell	Hamilton
Blankenship	Hankamer
Bond	Hardeman
Boyd	Hardin
Boyer	Harp
Bradbury	Harper
Bradford	Harrell of Bastrop
Bray	Harrell of Lamar
Bridgers	Harris
Broadfoot	Hartzog
Brown of Cherokee	Heflin
Brown	Howington
of Nacogdoches	Hull
Bundy	Hunt
Cauthorn	Johnson of Ellis
Celaya	Johnson of Tarrant
Chambers	Keith
Clark	Kennedy
Cleveland	Kern
Cockrell	Kerr
Coleman	Kersey
Colquitt	Kinard
Colson, Mrs.	King
Cornett	Langdon
Crossley	Lehman
Daniel	Leonard
Dean	Leyendecker
Derden	Little
Dickison	Lock
Dickson	Loggins
Donaghey	London
Dowell	Mays
Dwyer	McAlister
Faulkner	McDaniel
Felty	McDonald

McFarland	Smith of Frio
McMurry	Smith of Hopkins
McNamara	Smith
Mohrmann	of Matagorda
Monkhouse	Spencer
Montgomery	Stinson
Morris	Stoll
Newell	Tarwater
Oliver	Taylor
Olsen	Tennant
Pace	Thornberry
Petsch	Thornton
Pevehouse	Turner
Ragsdale	Vale
Reader of Bexar	Vint
Reader of Erath	Voigt
Reaves	Waggoner
Reed	Weldon
Rhodes	Wells
Riviere	Westbrook
Roach	White
Roberts	Winfree
Robinson	Wood
Russell	Worley
Schuenemann	Wright
Skiles	

Nays—3

Davis of Jasper	Pope
Davis of Upshur	

Absent

Corry	Piner
Howard	Shell
Nicholson	Talbert

Absent—Excused

Burkett	Isaacks
Burney	Segrist
Holland	Wilson

Mr. Ragsdale moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 500, A bill to be entitled "An Act amending Chapter 33 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Regular Session, as amended by Chapter 7 of the Local and Special Laws of the Thirty-sixth Legislature of Texas, Second Called Session, by adding thereto Sections 30a and 30b, provid-

ing that the Commissioners' Court of Hill County, Texas, may authorize and issue refunding bonds of said County for the purpose of funding certain scrip warrants outstanding against its Road and Bridge Fund as of February 15, 1939, and setting forth the method of issuing same; validating all acts of the Commissioners Court and of the County officials of said County in authorizing, issuing and delivering said warrants, providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict herewith; repealing all laws and parts of laws in conflict herewith, enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 448 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 448, A bill to be entitled "An Act providing for preference of employment in all State Departments of this State of honorably discharged soldiers, sailors, marines, and nurses of the Army and Navy of the United States in the late Spanish-American and Philippine Insurrection Wars, in the China Relief Expedition, and the late World War of the Allied Nations; providing per cent of preference; providing mode and manner of ascertaining said per cent; providing qualifications for applicant; providing remedies in case of refusal to make such appointments; and providing exemptions from said Act, and declaring an emergency."

The bill having heretofore been read second time with amendment by Mr. Smith of Frio, pending.

Mr. Smith of Frio withdrew the amendment.

Mr. Langdon offered the following amendment to the bill:

Amend House Bill No. 448, Section 1, by inserting after the word "therefor," in line 29, the following: "provided, however, that no such preference shall be extended to such soldiers, sailors, marines, and nurses who are receiving from the State or Federal Government any monies totaling Fifty

(\$50.00) Dollars or more by reason of disabilities incurred during active service in the army, navy, marine, or nurse corps, or by reason of old age assistance payment, or any other social security monies provided by law."

The amendment was adopted.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 448, Section 2, line 12, by striking out the word "twenty," and insert in lieu thereof the word "ten."

Mr. Kinard offered the following substitute for the amendment by Mr. Alsup:

Substitute for amendment to House Bill No. 448, by striking out the word "twenty" in Section 2, line 12, and insert in lieu thereof the word "fifteen".

On motion of Mr. Alsup, the substitute amendment by Mr. Kinard was tabled.

Question then recurring on the amendment by Mr. Alsup, it was adopted.

Mr. Alsup moved that House Bill No. 448 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—56

Allen	Keith
Alsup	Kersey
Bond	King
Boyer	Loggins
Bradford	Mays
Bray	McAlister
Broadfoot	McDonald
Brown of Cherokee	McMurry
Brown	McNamara
of Nacogdoches	Newell
Cleveland	Petsch
Cornett	Pevehouse
Corry	Reader of Erath
Davis of Upshur	Rhodes
Dickson	Roach
Donaghey	Schuenemann
Fuchs	Shell
Galbreath	Smith of Frio
Gilmer	Smith of Hopkins
Gordon, Mrs.	Smith
Hankamer	of Matagorda
Hardeman	Stoll
Harp	Talbert
Harrell of Lamar	Tarwater
Howington	Thornton
Johnson of Tarrant	Vale

Vint
Waggoner
Wells

Westbrook
White
Wright

Nays—69

Allison	Kinard
Anderson	Langdon
Bailey	Lehman
Baker of Grayson	Leonard
Blankenship	Leyendecker
Boyd	Lock
Bradbury	London
Bundy	McDaniel
Cauthorn	McFarland
Chambers	Mohrmann
Clark	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Crossley	Nicholson
Daniel	Olsen
Davis of Jasper	Pope
Derden	Reader of Bexar
Dickison	Reaves
Dowell	Reed
Dwyer	Riviere
Faulkner	Roberts
Felty	Robinson
Ferguson	Russell
Fielden	Skiles
Goodman	Spencer
Hale	Stinson
Hamilton	Taylor
Hardin	Tennant
Harper	Thornberry
Harrell of Bastrop	Turner
Harris	Voigt
Hunt	Weldon
Kennedy	Winfree
Kern	Worley
Kerr	

Present—Not Voting

Baker
of Fort Bend

Absent

Bell	Hull
Bridgers	Johnson of Ellis
Celaya	Little
Colquitt	Oliver
Colson, Mrs.	Pace
Dean	Piner
Hartzog	Ragsdale
Heflin	Wood
Howard	

Absent—Excused

Burkett	Isaacks
Burney	Segrist
Holland	Wilson

Mr. Bond offered the following amendment to the bill:

Amend House Bill No. 448, by striking out line 18 of the printed bill.

Mr. Harris moved the previous question, on the pending amendment, and the engrossment of House Bill No. 448, and the main question was ordered.

Mr. Alsup raised a point of order, on further consideration of House Bill No. 448, at this time, on the ground that the bill violates the Constitution inasmuch it seeks to enact class legislation.

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Bond, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—53

Alsup	Keith
Bell	Kersey
Bond	Leyendecker
Bradford	Loggins
Bray	Mays
Bridgers	McAlister
Broadfoot	McDonald
Brown of Cherokee	McMurry
Chambers	McNamara
Cleveland	Petsch
Cornett	Reader of Erath
Corry	Roach
Davis of Upshur	Schuenemann
Derden	Smith of Frio
Dickson	Smith of Hopkins
Donaghey	Spencer
Fuchs	Talbert
Galbreath	Tarwater
Gilmer	Vale
Gordon, Mrs.	Vint
Hankamer	Waggoner
Hardin	Weldon
Harp	Wells
Harrell of Lamar	Westbrook
Howington	Wood
Hunt	Wright
Johnson of Tarrant	

Nays—72

Allison	Bundy
Anderson	Cauthorn
Bailey	Clark
Baker of Grayson	Cockrell
Blankenship	Coleman
Boyd	Colson, Mrs.
Boyer	Crossley
Bradbury	Davis of Jasper

Dickison	McFarland
Dowell	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Goodman	Olsen
Hale	Pace
Hamilton	Pevehouse
Hardeman	Pope
Harper	Reed
Harrell of Bastrop	Rhodes
Harris	Riviere
Hartzog	Roberts
Heflin	Robinson
Hull	Russell
Kennedy	Skiles
Kern	Stoll
Kerr	Taylor
Kinard	Tennant
Langdon	Thornberry
Lehman	Thornton
Leonard	Turner
Little	Voigt
Lock	White
London	Winfree
McDaniel	Worley

Present—Not Voting

Baker
of Fort Bend

Absent

Allen	Oliver
Brown	Piner
of Nacogdoches	Ragsdale
Celaya	Reader of Bexar
Colquitt	Reaves
Daniel	Shell
Dean	Smith
Howard	of Matagorda
Johnson of Ellis	Stinson
King	

Absent—Excused

Burkett	Isaacks
Burney	Segrist
Holland	Wilson

House Bill No. 448 was then passed to engrossment.

Mr. Goodman moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 213 ON FINAL PASSAGE

The Speaker laid before the House, on its final passage,

S. B. No. 213, A bill to be entitled

"An Act providing that it shall be unlawful to take or kill a brown pelican; providing a suitable penalty, and declaring an emergency."

The bill having been read third time on yesterday.

Mr. Hartzog moved that Senate Bill No. 213 be postponed until the next local and uncontested calendar bill day, and that same be pending business on that date.

The motion prevailed.

REQUEST OF SENATE GRANTED

On motion of Mr. Heflin, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Joint Resolution No. 6.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Joint Resolution No. 6: Mr. Heflin, Mrs. Gordon, Mr. Keith, Mr. Little and Mr. Monkhouse.

GRANTING CERTAIN COMMITTEE ADDITIONAL AUTHORITY

Mr. Hull offered the following resolution:

H. S. R. No. 168, Granting certain committee additional authority.

Whereas, The House of Representatives has adopted House Simple Resolution No. 151, providing for the investigation of the State Board of Cosmetology; and

Whereas, The committee appointed by authority of this resolution finds it necessary to have additional authority in order to make a complete report; now, therefore, be it

Resolved, That the committee be empowered to go into the question as to whether or not employees and Board members of the Board of Cosmetology have performed their duties as now provided by law.

The resolution was read second time, and was adopted.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 357, "An Act authorizing the Commissioners Court in any county having a population of not

less than twenty-three thousand, eight hundred twenty-five (23,825) and not more than twenty-three thousand, eight hundred fifty (23,850) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

H. B. No. 554, "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population to establish two (2) or more Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Law of the State of Texas, enabling cities to prescribe the qualifications of the recorder of said Courts; that cases may be transferred from one Court to the other; that there shall be one Corporation Court Clerk; that complaints shall be filed to assure equal distribution of cases; providing that the procedure shall be as provided by the General Law of Texas: repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

H. B. No. 303, "An Act authorizing the Commissioners Court in any county having a population of not more than seven thousand, seven hundred (7,700) and not less than seven thousand, six hundred eighty (7,680) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and provided for the terms for said lease, and declaring an emergency."

H. B. No. 624, "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 495, "An Act providing for traveling expenses of County Commissioners of certain counties, and declaring an emergency."

H. B. No. 173, "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as

further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34, of the Special Laws of the Acts of Regular Session of the Forty-fourth Legislature, and as further amended by Chapter 189 of the Acts of Regular Session of the Forty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Frio, and declaring an emergency."

S. B. No. 129. "An Act to amend Article 1323 of Revised Civil Statutes of 1925, as amended by House Bill No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivisions 1, 2, and 3, of Chapter 1, Title 32, Revised Civil Statutes, 1925, and declaring an emergency."

S. B. No. 159, "An Act validating and legalizing the authorization of bonds issued by any water improvement district in this State for the improvement, repair or rehabilitation of its irrigation system, or ports thereof; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the results of such election, and declaring an emergency."

S. B. No. 198, "An Act repealing Chapter 8 of the Laws of the Forty-fourth Legislature, Regular Session, being Senate Bill No. 457, page 1172 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

S. B. No. 21, "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six (6) or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; providing a merit rating for determining the amount of contributions by employers; fixing the duration of coverage; etc., and declaring an emergency."

ADJOURNMENT

On motion of Mr. Stoll, the House, at 12:55 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Criminal Jurisprudence: House Bills Nos. 115, 211, 273, 581, 717 and 577.

Appropriations: House Bill No. 590; Senate Concurrent Resolution No. 9.

Highways and Motor Traffic: House Bill No. 50.

State Affairs: House Bill No. 787.

The Committee on Criminal Jurisprudence filed an adverse report on House Bill No. 118.

The Committee on Appropriations filed an adverse report, with a minority favorable report, on House Bill No. 562.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 5, A bill to be entitled

"An Act amending Article 4100, Title 68, of the Revised Civil Statutes of the State of Texas; providing a maximum amount allowable as compensation to a garnishee; making this Act and amendment of said Article 4100 applicable to pending as well as future suits and proceedings, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 6, A bill to be entitled "An Act amending Article 835-C, Revised Civil Statutes of Texas, Acts, Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 27, A bill to be entitled "An Act amending Chapter 44, page 67, Acts of the Fortieth Legislature of the State of Texas, passed in 1927, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 28, A bill to be entitled "An Act amending Article 1839, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 29, A bill to be entitled "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 31, A bill to be entitled "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 38, A bill to be entitled "An Act amending Articles 1961 and 1962, Revised Civil Statutes of the State of Texas as enacted in 1925, so as to provide for the regular term of the County Court for probate business as opening on each Monday of each week during the year and repealing the authority of the Commissioners' Court to establish terms of the Probate Court; repealing Article 1963, Revised Civil Statutes of Texas as enacted in 1925; and providing for the validation of all judgments rendered at other than regular terms of the Probate Court, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 10, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 57, Recalling Senate Bill No. 213 from the Senate.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 55, Authorizing the Enrolling Clerk to correct House Bill No. 341.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 56, Authorizing the Enrolling Clerk to correct the caption of House Bill No. 348.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 193, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than twelve thousand seven hundred (12,700) nor more than twelve thousand, nine hundred (12,900), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 60, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925,

prescribing the time of meeting of the County Board of School Trustees in counties containing a population of not less than thirty thousand, two hundred eighty-five (30,285) and not more than thirty thousand, two hundred ninety-one (30,291), according to the last Federal Census; providing the amount of compensation; providing for payment of such compensation out of the State and County Available School Fund; providing that this Act shall be cumulative of all existing laws on this subject but further providing that this Act shall apply where in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 80, A bill to be entitled "An Act to provide for and create a city-county health unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred twenty thousand (120,000) inhabitants and to provide that the Commissioners' Court of said county and the City Council of said city may cooperate in forming a city-county health unit and combine the health units of each political subdivision for such purpose and appropriate funds to the combined health unit in such proportion as may be agreed to between the Commissioners' Court and the City Council; said health unit to be under the direction and supervision of the City-County Board of Health; and providing for the election and/or appointment of members of said city-county health unit; and providing for the qualifications of the members of the said city-county health unit; and for their terms of office; and providing for the operation of said city-county health unit and for funds for the operation thereof; providing that a Director shall be appointed to actively manage the operation of the health unit under the supervision of the City-County Board of Health; providing that the Commissioners' Court and the City Council shall determine the number of employees to constitute the health

unit and the salaries of such employees."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 9, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 57, A bill to be entitled "An Act granting permission to Victor Alexander Surber to bring suit against the State of Texas and/or Highway Department in a court of competent jurisdiction, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas, and which injuries are alleged to have produced damages to the said Victor Alexander Surber; providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 173, "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the first Called Session of the Forty-first Legislature, and further amended in Chapter 8 of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, as amended by Chapter 15, Acts of the Fourth Called Session of the Forty-

first Legislature, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature; and as further amended by Chapter 34 of the Special Laws of the Acts of the Regular Session of the Forty-fourth Legislature, and as further amended by Chapter 189 of the Acts of the Regular Session of the Forty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the Counties named so as to include in said Article the County of Frio, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 303, "An Act authorizing the Commissioners Court in any county having a population of not less than seven thousand, six hundred and eighty (7,680) and not more than seven thousand and seven hundred (7,700) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 357, "An Act authorizing the Commissioners Court in any county having a population of not less than twenty-three thousand, eight hundred and twenty-five (23,825) and not more than twenty-three thousand, eight hundred and fifty (23,850) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said

county, and providing for the terms for said lease, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 495, "An Act providing for traveling expenses of County Commissioners of certain counties; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 554, "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population, according to the last preceding United States Census, to establish two (2) Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Laws of the State of Texas, enabling cities to prescribe the qualifications of the Recorder of said Courts; providing that cases may be transferred from one Court to the

other; providing that there shall be one Corporation Court Clerk; providing that complaints shall be filed to assure equal distribution of cases; providing that the procedure shall be as provided by the General Law of Texas; repealing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, March 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 624, "An Act making it unlawful to hunt, take, or pursue any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act; providing a suitable penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO THE GOVERNOR

March 10, 1939.

House Bill No. 173.

House Bill No. 303.

House Bill No. 357.

House Bill No. 495.

House Bill No. 554.

House Bill No. 624.

In Memory of

Mr. T. R. Bain

Mr. Harrell of Bastrop offered the following resolution:

H. S. R. No. 167, In memory of Mr. T. R. Bain.

Whereas, On Wednesday afternoon at 3:00 o'clock on the 22nd day of February, the Great Master of the Universe called from the ranks of mortals Mr. T. R. Bain, a former member of the Parole Board and Lieutenant-Colonel on the Governor's Staff; he was born March 12, 1865, in Cullman, Alabama; he was married to Miss Annie Taylor of La Grange, Texas, November 21, 1894, who still survives him. He has one son, Thurston Young Bain of San Antonio, Texas, two brothers, Mr. Will Bain of Fort Worth, Texas, Mr. Albert Bain of Cullman, Alabama, and one sister, Mrs. Eunice House of Cullman, Alabama; and

Whereas, The Honorable T. R. Bain was a pioneer civic leader, being an outstanding citizen of Texas, whose every act and walk in life radiated sunshine and pleasant association, bringing to him a great number of friends in his community and the State of Texas; and

Whereas, He was a man possessing most lovable personality and splendid traits of character; and

Whereas, He was a staunch Democrat, always upholding democratic principles loyally and without mental reservation or secret evasion of mind; and

Whereas, He was a member of the Baptist Church, having joined when a young man, being the son of a Godly father who served the Baptist faith as one of her ministers for forty years; and

Whereas, With the fear of God in his heart, a vision of the future and indomitable courage and determination to face the hardships he would meet, he settled first in Alvarado, Texas, in 1885; and

Whereas, Because of the life he lived and the services he gave, in his passing his community has lost a beautiful and shining character, his State a loyal citizen, and the public at large a true and unquestioned friend; and

Whereas, He served with distinction as an engineer and official of the M. K. & T. Railroad for a period of fifty-two (52) years, retiring in 1931 because of ill health; and

Whereas, He had been a member of the Masonic Lodge for fifty-two (52) years, and at the time of his death, he was a member of the Knight Templars Scottish Rite and the Shrine, and because of his interest in civic affairs, he was honored by being elected President of the Lions Club, and a member of the City Council; therefore, be it

Resolved by the Legislature of the State of Texas, That the Members thereof regret exceedingly the untimely passing of this worthy man, and deeply sympathize with his bereaved family; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today in memory of the deceased; and, be it further

Resolved, That when the House adjourns today it do so in respect and in memory of this illustrious gentleman; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send a copy to each member of the family under the seal of the House of Representatives.

HARRELL of Bastrop.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Russell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.